IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 12861 of 2004

Between:

NRR Puram Govt. Class IV Employees, Drivers and other Low Paid Employees Co-op.
House Building Society, Borabanda, Hyderabad, rep. by its President Sri K. Anjaiah.

..... PETITIONER

AND

1 The Chief Executive Officer, A.P. State Wakf Board, Hyderabad.
2 Chillah-gouse-e-Azum Dastagir Site 1, NRR Puram, Borabanda, Hyderabad, rep. by its Member Sri Md. Saleem Ahmed, s/o Md. Iqbal Ahmed, 35 years, Business, R/o H.No.
F-472, NRR Puram Colony, Site No.1, Borabonda, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Certiorari calling for all the connected records including the impugned Notification published in the Abstract of Book of Endowments No. 34/B1/IND/98 dt. 8-9-1999 published in Gazette No.39 dated 4-11-1999 and quash the same as illegal, improper, unjust, arbitrary and violation of principles of natural justice.

Counsel for the Petitioner: MR.MAHADEVA KANTHRIGALA

Counsel for the Respondent Nos.1 & 2: MR.A.M.QURESHI

The Court at the stage of admission made the following :

THE HONOURABLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.12861 OF 2004

ORDER:

The petitioners are aggrieved by the action of the respondent in registering the property in question as Wakf property under section 36 of the Wakf Act, 1995. The registration was effected on 28.8.1999 and an entry has been made in column-5 in the book of endowments as can be seen from the notification published on 4.11.1999 in the A.P. Gazette.

Since the matter relates to a dispute relating to Wakf property, an alternative remedy is available to the petitioner before the Tribunal constituted under Section 83 of the Wakf Act, 1995 and without exhausting the alternative remedy available under the Statute, the writ petition under Article 226 of the Constitution of India cannot be maintained.

Accordingly, the writ petition is dismissed granting leave and liberty to the petitioner to institute proceedings before the Tribunal constituted under Section 83 of the Wakf Act, 1995. No costs.

02.8.2004.

mdaa.

Copy to:

1 The Chief Executive Officer, A.P. State Wakf Board, Hyderabad.
2. Two C.D.Copies.